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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ZOE HOLLIS, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

R & R RESTAURANTS, INC dba SASSY'S,
an Oregon corporation; STACY MAYHOOD,
an individual; IAN HANNIGAN, an
individual; FRANK FAILLACE, an
individual; and DOES 2 through 10, inclusive,

Defendants.

Case No.: 3:21-cv-00965-YY

DECLARATION OF JOSEPH Q.
RIDGEWAY IN SUPPORT OF
DEFENDANTS' MOTION TO STAY
ISSUANCE OF NOTICE TO
PUTATIVE COLLECTIVE

I, Joseph Q. Ridgeway, do hereby swear, affirm, and attest as follows:

1. I am an attorney with the law firm Littler Mendelson, P.C. and counsel for Defendants R & R Restaurants, Inc. dba Sassy's ("Sassy's"), Stacy Mayhood, Ian Hannigan, and Frank Faillace (collectively, "Defendants"), in the above-captioned matter. I am over eighteen years of age, I have personal knowledge of the facts set forth in this declaration, and am competent

to testify to them if called upon to do so. I respectfully submit this declaration in support of Defendant's Motion to Stay Issuance of Notice to Putative Collective (the "Motion").

2. The parties in this action began exchanging written discovery on September 13, 2021, with Plaintiff Zoe Hollis ("Plaintiff") issuing interrogatories and requests for production to Sassy's, Mr. Hannigan, Mr. Faillace, and Ms. Mayhood. Defendants issued interrogatories to Plaintiff on January 7, 2022 and requests for production and admission to Plaintiff on January 28, 2022.

3. After receiving Plaintiff's written discovery responses, Defendants began drafting the MSJ to dismiss Plaintiff's First, Second, Third, and Fourth Causes of Action (the "FLSA Wage and Hour Claims") brought in the operative Plaintiff's First Amended Complaint for Damages (see ECF No. 16) on the grounds that Plaintiff filed those claims outside the statute of limitations and lacks standing to prosecute them due to their admitted tax fraud.

4. Defendants deposed Plaintiff on April 15, 2022.

5. Based on Plaintiff's deposition testimony, Defendants expanded the MSJ to include arguments to dismiss (1) the FLSA Wage and Hour Claims on the grounds that Plaintiff was not an employee of Sassy's and (2) Plaintiff's Fifth, Sixth, and Seventh Causes of Action on the grounds that Plaintiff was not an employee of Mr. Faillace with respect to his ownership of Glitz LLC dba Dante's.

6. Attached as **Exhibit A** is a true and correct copy of an email chain between counsel for Plaintiff and counsel for Defendants between March 2 and 9, 2022. Plaintiff has neither submitted the proposed order and notice as revised by Defendants to the Court nor discussed Defendants' proposed revisions with Defendants.

7. Pursuant to LR 7-1, I reached out to Plaintiff's counsel via email on June 13, 15, and 17, 2022 to ask for a brief phone call to discuss the issues presented in the Motion. I explained that we intended to file the Motion by June 24, 2022. Plaintiff's counsel refused to offer availability for a conferral by June 24, 2022.

8. I provided Plaintiff a draft copy of the Motion via email on June 17, 2022.

9. I called Plaintiff's counsel on June 21, 2022 to confer about the issues presented in the Motion, but Plaintiff's counsel did not answer. Plaintiff's counsel's staff told me they were not allowed to send me to Plaintiff's counsel's voicemail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2022, at Portland, Oregon.

/s/ Joseph Q. Ridgeway
Joseph Q. Ridgeway